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LOWE HAUPTMAN BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of :
Chia-Chen Lee :
Application No. 10/677,365 : **ON PETITION**
Filed: October 3, 2003 :
Attorney Docket No. 3074-113 :

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed October 21, 2006.

The petition under 37 CFR 1.181(a) is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the non-final mailed March 28, 2005. The notice set a shortened statutory period for reply of three months from its mailing date. No response was received within the allowable period, and the application became abandoned on June 29, 2005. A Notice of Abandonment was mailed on October 21, 2005.

Petitioner maintains that the notice was never received and that the holding of abandonment should be withdrawn, accordingly.

A review of the application file and the Office computer records reveals that on March 28, 2005, (the date the notice was mailed), the address of record was cited as "Dennison, Schultz & Dougherty, 612 Crystal Square 4, 1745 Jefferson Davis Highway, Arlington, VA 22202-3417." The notice was mailed to this address and returned to the USPTO as undeliverable. One October 13, 2005, the correspondence address for the application was changed to "Lowe, Hauptman, Berner, LLP, 1700 Diagonal Road, Suite 300, Alexandria, VA 22314." Petitioner argues that the holding of abandonment should be withdrawn because the notice was not received at Lowe, Hauptman, and Berner.

Petitioner's argument is not persuasive. Petitioner has not demonstrated that "Lowe, Hauptman, Berner, LLP, 1700 Diagonal Road, Suite 300, Alexandria, VA 22314" was the correct address of record on the date the notice was mailed. Applicants are required to provide the USPTO with a timely notification of a change of correspondence address and withdrawal of a holding of abandonment would not be appropriate when a notice is mailed, but there was a material change in a correspondence address and petitioner failed to provide timely notice same. A review of the application file reveals that the declaration filed October 3, 2003, list the address of Dennison, Schultz, & Dougherty as the correspondence address of record and that no customer number was found on the application transmittal sheet. In this case, a material change was made to the correspondence address. The record reflects that applicant did not inform the Office of the change in the correspondence address until October 13, 2005. Accordingly, petitioner's failure to receive the notice at Lowe, Hauptman, Berner, LLP does not merit withdrawal of the holding of

abandonment because petitioner did not notify the USPTO of the change of correspondence address to Lowe, Hauptman, Berner, LLP until after the non-final Office action was mailed. The petition is dismissed accordingly.

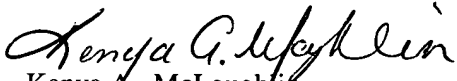
Petitioner may file a petition under 37 CFR 1.137(b) to revive the application. The fee for the petition is \$1500.00 large entity or \$750.00 for a small entity.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.


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Office of Petitions